

### REMARKS

Claims 1, 22, 80, 91, 96, 100, 102 and 103 have been amended. Claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-94, 96, 97, and 99-103 are pending.

Applicants thank the Examiner for withdrawing the previous rejections under 35 U.S.C. § 102(b). See Office Action at p. 2.

### CLAIM REJECTIONS

#### *Rejection of claims under 35 U.S.C. § 112, second paragraph*

The Examiner has rejected claims 91-94, 96, 97 and 99-101 under 35 U.S.C. § 112, second paragraph, as being indefinite. See Office Action at p. 2. Claims 92-94, 96, 97 and 99-101 depend from independent claim 91. Specifically, the Examiner states that it is unclear what the definition of "L" is in claim 91. Applicants have amended the definition of L in claim 91 to state "when L is C<sub>4</sub> or C<sub>5</sub>" which is within the scope of the phrase "L is a straight C<sub>3-6</sub> hydrocarbon chain." Applicants believe claim 91 is clear and concise and respectfully request the withdrawal of this rejection with respect to claim 91 and dependent claims thereof.

#### *Rejection of claims under 35 U.S.C. § 112, first paragraph*

The Examiner has rejected claims 1, 22, 80, 91, 102 and 103 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. See Office Action at p. 3. Specifically, the Examiner contends that "there is no support for the newly added limitation excluding the subgenus defined when "L is C<sub>4</sub> or C<sub>5</sub> C<sub>3-7</sub> and contains one triple bond or one or two double bonds" in the application as filed." *Id.* Not in acquiescence to the rejection but in an effort to expedite prosecution, Applicants have amended claims 1, 22, 80, 91, 102 and 103 to the original scope of L wherein "L is C<sub>4</sub> or C<sub>5</sub> and contains one triple bond or two double bonds." Applicants respectfully request reconsideration and the withdrawal of the rejection.

#### *Rejection of claims under 35 U.S.C. §102(b)*

##### *Meyer*

The Examiner has rejected claims 1-5, 12, 13, 22, 80-84 and 88 under 35 U.S.C. § 102(b) as being anticipated by Meyer et al., *European Journal of Medicinal Chemistry*, Vol. 33, p. 775-787 (1998) ("Meyer"). See Office Action at p. 4. Claims 2-5, 12 and 13 depend from

independent claim 1. Claim 22 is an independent claim. Claims 81-84 and 88 depend from independent claim 80.

The Examiner states that “ Meyer discloses … the compound 2, 2-dichloro-12-phenyl-11-dodecenoic acid” and contends that the compound “corresponds to instantly claimed compounds ....” See Office Action at p. 4. Applicants have amended claims 1, 22 and 80 to exclude the compound 2, 2-dichloro-12-phenyl-11-dodecenoic acid. As such, the compound described in Meyer is not within the scope of amended claims 1, 22 and 80.

Accordingly, independent claims 1, 22 and 80 and claims that depend therefrom are not anticipated by Meyer for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

### ***Scholz***

The Examiner has rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-84, 87-90, 91-94, 96, 97 and 99-101 under 35 U.S.C. § 102(b) as being anticipated by Scholz, *Liebigs Annalen der Chemie*, Vol. 2, p. 264-272 (1984) (“Scholz”). See Office Action at p. 4. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-83 and 87-90 depend from independent claim 80. Claims 92-94, 96, 97, 99-101 depend from independent claim 91.

The Examiner contends that “Scholz discloses .... the compounds 8-phenyl-6-octenoic acid and 13-phenyl-11-tridecenoic acid and their solutions as salts in ethanol corresponding to pharmaceutical compositions.” See Office Action at p. 4. Applicants have amended claims 1, 22, 80 and 91 to exclude the compounds 8-phenyl-6-octenoic acid and 13-phenyl-11-tridecenoic acid. As such, the compoundsdescribed in Scholz are not within the scope of amended claims 1, 22, 80 and 91.

Accordingly, independent claims 1, 22, 80 and 91 and claims that depend therefrom are not anticipated by Scholz for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

### ***Strunz***

The Examiner has rejected claims 1-5, 7, 8, 80-86, 89 and 90 under 35 U.S.C. § 102(b) as being anticipated by Strunz et al., *Canadian Journal of Chemistry*, Vol. 74, p. 419-432 (1996)

(“Strunz”). See Office Action at p. 5. . Claims 2-5, 7 and 8 depend from independent claim 1. Claims 81-85, 89 and 90 depend from independent claim 80.

The Examiner states that Strunz describes “the compound 9-(3’,4’-methylenedioxyphenyl)-nona-2E, 4E, 8E-trinoic acid” and contends that the compound “corresponds to an instantly claimed compound in which A is aryl, L is a C<sub>8</sub> triene substituted with monocyclic aryl, Y<sub>1</sub>, Y<sub>2</sub> = a bond or and X<sub>1</sub>, X<sub>2</sub> = O.” Id. Applicants respectfully traverse this rejection. In independent claims 1 and 80, when L contains three double bonds, said hydrocarbon chain is further substituted with C<sub>2-4</sub> alkenyl, C<sub>2-4</sub> alkynyl, C<sub>1-4</sub> alkoxy, hydroxyl, halo, amino, nitro, C<sub>3-5</sub> cycloalkyl, 3-5 membered heterocycloalkyl, monocyclic aryl, 5-6 membered heteroaryl, C<sub>1-4</sub> alkylcarbonyloxy. As such, the compounds described in Strunz are not within the scope of claims 1 and 80.

Accordingly, independent claims 1 and 80 and claims that depend therefrom are not anticipated by Strunz for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

***Previous Rejection: Baker***

The Examiner previously rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-90 and 102 under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 4,513,005 to Baker et al. (“Baker”). See Office Action mailed December 16, 2008 at p. 3. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-90 depend from independent claim 80. Claim 102 is an independent claim.

The Examiner contends that “Baker discloses ... the compound (E) 8-phenyl-5-octenoic acid and its sodium salt in aqueous solution corresponding to a pharmaceutical composition.” Id. Applicants have amended claims 1, 22, 80 and 102 to exclude the compound 8-phenyl-5-octenoic acid. As such, the compound described in Baker is not within the scope of amended claims 1, 22, 80 and 102.

Accordingly, independent claims 1, 22, 80 and 102 and claims that depend therefrom are not anticipated by Baker for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

***Previous Rejection: Howden***

The Examiner previously rejected claims 1-5, 7, 8, 12, 13, 16, 17, 22, 25, 26, 80-90, 91-94, 96, 97 and 99-103 under 35 U.S.C. § 102(b) as being anticipated by Howden et al. (*Journal of the American Chemical Society*, Vol. 88(8), pages 1732-1742 (1966) ("Howden"). See Office Action mailed December 16, 2008 at p. 4. Claims 2-5, 7, 8, 12, 13, 16 and 17 depend from independent claim 1. Claims 25 and 26 depend from independent claim 22. Claims 81-90 depend from independent claim 80. Claims 92-94, 96, 97, 99-101 depend from independent claim 91. Claims 102 and 103 are independent claims.

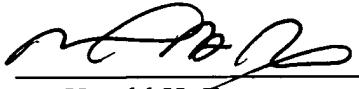
The Examiner contends that "Howden discloses ... the compound 5, 5-diphenylpent-4-enoic acid and its aqueous solution as a salt corresponding to a pharmaceutical composition." *Id.* Applicants have amended claims 1, 22, 80, 91, 102 and 103 to exclude the compound 5, 5-diphenylpent-4-enoic acid. As such, the compound described in Howden is not within the scope of amended claims 1, 22, 80, 91, 102 and 103.

Accordingly, independent claims 1, 22, 80, 91, 102 and 103 and claims that depend therefrom are not anticipated by Howden for at least the reasons described above.

### **CONCLUSION**

Applicants believe that the claims now pending are in condition for allowance. Should any fees be required by the present Amendment, the Director is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,



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